Government of Kerala
1971

Reg. No. K. 107

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XVI] Trivandrum, Monday 12th April, 1971 / 22nd Chaitra 1893 [No 205

GOVERNMENT OF KERALA

Revenue (F) Department

NOTIFICATIONS

I

No. G. O. Rt. 423/71/RD. *Dated, Trivandrum, 12th April* 1971.

S. R. O. No. 119/71.—WHEREAS the term of office of Shri Prakkulam Bhasi, Puthayil House, North Parur, the member nominated by the Hindus among the Council of Ministers to the Travancore Devaswom Board under sub-section (1) of section 4 of the Travancore-Cochin Hindu Religious Institutions Act, 1950 (XV of 1950), and referred to in Notification No. D. Spl. 1/6453/67/Rev., dated 28th March, 1967 expired on the 27th March, 1971 and a new member could not be nominated in his place on or before that date;

AND WHEREAS Shri Chengalathu Ramakrishna Pillai, Chengalathu Veedu, Haripad P. O., has now been nominated by the Hindus among the Council of Ministers as a member of the said Board;

IT IS hereby notified that the said Shri Chengalathu Ramakrishna Pillai shall be a member of the Travancore Devaswom Board with effect from the 13th April, 1971, for a period of four years.

PRINTED BY THE S. G. P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1971.

II

G. O. Rt. No. 424/71/RD. *Dated, Trivandrum, 12th April* 1971.

S. R. O No. 120/71.—WHEREAS the term of office of Shri A. S. Divakaran, Advocate, Trichur, the member nominated by the Hindus among the Council of Ministers to the Cochin Devaswom Board under section 63 of the Travancore-Cochin Hindu Religious Institutions Act, 1950 (XIV of 1950), and referred to in Notification No. D. Spl. 1/6453/67/Rev. dated 28th March, 1967 expired on the 27th March, 1971 and a new member could not be nominated in his place on or before that date;

AND WHEREAS Shri K. S. Narayanan Nambudiri, S/o Sreedharan Nambudiri, Kuzhupully Mana, Pengamukku P. O. has now been nominated by the Hindus among the Council of Ministers as a member of the said Board;

IT is hereby notified that the said Shri K. S. Narayanan Nambudiri shall be a member of the Cochin Devaswom Board with effect from the 13th April, 1971, for a period of four years.

By order of the Governor,

A. K. K. NAMBIAR,

Secretary

Government of Kerala
1971

Reg. No. K. 137

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XVI] Trivandrum, Monday, 12th April, 1971 / 22nd Chaitra, 1893 [No. 204

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 3034/LA4/71. *Dated, Trivandrum, 12th April* 1971.

The following Bill together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1971.

Fourth Kerala Legislative Assembly

Bill No. 56

THE COCHIN UNIVERSITY BILL, 1971

A

BILL

to establish and incorporate a University at Cochin.

Preamble.—WHEREAS it is expedient to establish a University at Cochin for the urgent development of higher education in the area of Greater Cochin;

BE it enacted in the Twenty-second year of the Republic of India as follows:—

CHAPTER 1

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Cochin University Act, 1971.

(2) It shall come into force atonce.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) "Academic Council" means the Academic Council of the University;

(2) "annual meeting" means one of the ordinary meetings of the Senate held every year under sub-section (1) of section 17 and declared by the Statutes to be the annual meeting of the Senate;

(3) "Board of Studies" means a Board of Studies of the University;

(4) "Chancellor" means the Chancellor of the University;

(5) "Constituent College" means a College declared as such by the University, and in which instruction is provided in accordance with the provisions of this Act and the statutes ordinances and the regulations made thereunder.

(6) "Department" means a department designated as such by the Ordinances or Regulations with reference to a subject or group of subjects;

(7) "educational agency" means any person or body of persons who or which establishes and maintains a College or Colleges;

(8) "Faculty" means a Faculty of the University;

(9) "Greater Cochin" means the area comprised in,—

(a) The Cochin Corporation;

(b) Alwaye Municipality; and

(c) Maradu, Cheranallur, Mulavukad, Elamkunnapuzha, Thrikkakara, Kalamassery, Varapuzha, Kodungallur, Keezhmadu, Choornikara, Vadavukode, Puthencruz, Trippunithura and Trivankulam Panchayats;

(10) "Hostel" means a unit of residence for the students of the University, the constituent Colleges or the recognised institutions;

(11) "Prescribed" means prescribed by this Act or the Statutes, Ordinances, Regulations or rules made thereunder;

(12) "Principal" means the head of a College;

(13) "Private College" means a college maintained by an educational agency other than the Government or the University;

(14) "Recognised Institution" means an institution other than a constituent college, for research and or special studies, recognised as such by the University in accordance with the provisions of this Act and the statutes;

(15) "Registered Graduate" means a graduate registered under the provisions of this Act and Statutes and includes graduates deemed to be registered graduates under this Act.

Explanation.—All registered graduates of any other university in the State who on the date of commencement of this Act are employed in or are ordinarily resident in the Greater Cochin area may apply to the University of Cochin to get their names registered as registered graduates of the University of Cochin. Upon such registration being granted, they shall cease to be registered graduates of the other University and shall be deemed to be registered graduates of the University of Cochin;

(16) "Senate" means the Senate of the University;

(17) "State" means the State of Kerala;

(18) "Statutes", "Ordinances", "Regulations", and "Rules" means respectively the "Statutes", "Ordinances", "Regulations", and "Rules" of the University.

(19) "Student" means a part-time or full-time student receiving instruction or carrying on research in any of the institutions of the University or the constituent colleges or recognised institutions;

(20) "Syndicate" means the Syndicate of the University;

(21) "Teacher" means a Principal, Professor, Assistant Professor, Reader, Lecturer, Instructor or such other person imparting instruction or supervising research in any of the constituent colleges or recognised institutions and whose appointment has been approved by the University;

(22) "Teacher of the University" means persons employed as teachers in institutions maintained by the University;

(23) "University" means the University of Cochin constituted under this Act;

(24) "University area" means the area to which this Act extends;

(25) "University Appellate Tribunal" means the University appellate tribunal constituted under section 61 of this Act;

(26) "University Fund" means the Cochin University Fund established under sub-section (1) of section 31;

(27) "Vice-Chancellor" means the Vice Chancellor of the University.

CHAPTER II

THE UNIVERSITY

3. *The University.*—(1) The Chancellor, the Pro-Chancellor, the Vice Chancellor and the members of the Senate, the Syndicate and the Academic Council for the time being, shall constitute a body corporate by the name of the University of Cochin.

(2) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

4. *Territorial Limits.*—Notwithstanding anything contained in any other law for the time being in force, on the coming into force of this Act;

(1) The jurisdiction of the University shall extend to the area of Greater Cochin;

(2) Subject to the provisions in sub-section (1) of section 55 of this Act, the jurisdiction of the University of Kerala over the area of Greater Cochin shall cease;

(3) No educational institution situated beyond the territorial limits of the University, shall, save with the sanction of the Chancellor and the Government, be under the administrative control of the University.

5. *Powers of the University.*—The University shall have the following powers, namely:—

(1) to establish and maintain institutes for higher technological research;

(2) to provide for instruction and training in such branches of learning, as the University may deem fit, and to make provision for research and for the advancement and dissemination of knowledge;

(3) to institute degrees, titles, diplomas and other academic distinctions;

(4) to hold examinations and to confer degrees and other academic distinctions on persons who—

(a) shall have pursued a prescribed course of study in an institution under the University, unless exempted therefrom in the manner prescribed, and shall have passed the prescribed examination; or

(b) shall have under prescribed conditions carried on research which has been duly evaluated;

(5) to confer honorary degrees or other distinctions on distinguished persons in accordance with the conditions to be prescribed in the Statutes;

(6) to grant diplomas, certificates or other distinctions to persons who shall have pursued a prescribed course of study under prescribed conditions;

(7) to withdraw or cancel degrees, titles, diplomas, certificates or other distinctions under conditions that may be prescribed by the statutes, after giving the person affected a reasonable opportunity to present his case;

(8) to supervise and control the residence and discipline of students of the University, Constituent colleges and recognised institutions and to make arrangements for promoting their health and general welfare;

(9) to recognise hostels which are maintained by bodies other than the University and to withdraw such recognition;

(10) to exercise such control over the students as will ensure their physical and moral well-being;

(11) to constitute a Board to entertain and if it thinks fit to adjudicate and to redress any grievances of the students of colleges who may for any reason be aggrieved otherwise than by an act of the Court;

(12) to fix the fees payable to the University and to demand and receive such fees;

(13) to fix and regulate with the prior sanction of the Government the fees payable in constituent colleges;

(14) as far as may be, to regulate by statutes and Ordinances the conditions of service of teachers and other employees in Constituent colleges and recognised institutions;

(15) to hold and manage endowments and bursaries and to institute and award fellowships, scholarships, studentships medals and prizes and to organize exhibitions;

(16) to institute and provide funds wherever necessary for the maintenance of—

(a) A Students' Advisory Bureau;

(b) an Employment Bureau;

(c) University Union for Students;

(d) University Athletic Clubs;

(e) the National Cadet Corps;

(f) the National Service Corps;

(g) University Extension Boards:

(h) Students' Cultural and Debating Societies;

(i) a Translation and Publication Bureau;

(j) Co-operative Societies and other institutions for promoting the welfare of students and employees of the University;

(17) to co-operate with other Universities or authorities or associations in such manner and for such purposes as the University may determine;

(18) to do all such other acts and things, whether incidental to the powers aforesaid or not as may be requisite in order to further the object of the University as a teaching and examining body, and to cultivate and promote arts, science, technology and other branches of learning;

(19) to take and hold any property, movable or immovable, which may become vested in it for the purpose of the University by purchase, grant, testamentary disposition or otherwise and to grant demise, alienate or otherwise dispose of all or any of the properties

belonging to the University and also to do all other acts incidental or appertaining to a body corporate;

(20) to direct, manage and control all immovable and movable properties transferred to the University by the Government;

(21) to co-ordinate, supervise, regulate and control the conduct of teaching and research work in the constituent Colleges and the recognised institutions as far as possible;

(22) to define the powers and duties of the Officers of the University other than the Vice Chancellor;

(23) to provide for the inspection of constituent colleges and recognized institutions and issue directions for their efficient administration and management;

(24) to admit educational institutions as constituent colleges and to withdraw such privileges in accordance with the provisions of the Statutes, Ordinances and Regulations;

(25) to institute professorships, readerships, lecturerships and any other teaching and research posts required by the University and to appoint persons to such professorships, readerships, lecturerships and other teaching and research posts;

(26) to establish, maintain and manage hostels; and

(27) in general to do such other acts as may be required to further the aims and purposes of this Act.

6. *University Open to All Classes and Creeds.*—No person shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence, language, political opinion or any of them, be ineligible for, or discriminated against, in respect of any employment or office under the University or membership of any of the authorities or bodies of the University or admission to any degree or course of study in the University:

Provided that the rules for the reservation of appointments and posts under the Government in favour of the Scheduled Castes, the Scheduled Tribes and other backward classes of citizens, shall, so far as may be, apply in the case of appointments to the University.

CHAPTER III

THE CHANCELLOR, PRO-CHANCELLOR AND OFFICERS OF THE UNIVERSITY

7. *The Chancellor.*—(1) The Governor of Kerala shall, by virtue of his office, be the Chancellor of the University.

(2) The Chancellor shall be the Head of the University and shall, when present, preside at the meetings of the Senate and any convocation of the University.

(3) The Chancellor may, by order in writing, annul any proceedings of any of the authorities of the University (not being a matter in which an appeal may lie to the Tribunal) and which is not in conformity with this Act and the Statutes, the Ordinances, the Regulations, the rules or any other law for the time being in force:

Provided that, before making any such order, the Chancellor shall call upon such authority to show cause why such an order should not be made and consider the cause, if any, shown by such authority within a reasonable time.

(4) The Chancellor shall have the right to suspend or dismiss any of the authorities of the University and to take measures for the interim administration of the University.

(5) Every proposal for the conferment of an honorary degree shall be subject to confirmation by the Chancellor.

(6) The Chancellor shall have power to remove the Vice-Chancellor from office by an order in writing on charges of mismanagement of funds or misconduct or for any other good and sufficient reasons:

Provided that such charges are proved by an enquiry conducted by a person who is or has been a judge of the High Court or the Supreme Court and appointed by the Chancellor for the purpose:

Provided further that the Vice-Chancellor shall not be removed under this section unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

8. *The Pro Chancellor.*—(1) The Minister for the time being administering the subject of education in the State shall be the Pro-Chancellor of the University.

(2) In the absence of the Chancellor or during his inability to act, the Pro-Chancellor shall exercise all the powers and perform all the functions of the Chancellor.

9. *Officers of the University.*—The following shall be the Officers of the University, namely:—

(i) The Vice-Chancellor;

(ii) The Registrar; and

(iii) Such other Officers in the service of the University as may be declared by the Statutes to be Officers of the University.

10. *The Vice-Chancellor.*—(1) The Vice-Chancellor shall be appointed by the Chancellor on the unanimous recommendation of a

Committee appointed by him consisting of three members, one elected by the Senate, one elected by the Syndicate and the third nominated by the Government. The Committee shall make its recommendation within a period of three months of its appointment.

(2) In case the Committee appointed under sub-section (1) is unable to recommend a name unanimously, the Vice-Chancellor shall be appointed by the Chancellor from among the panel of three names submitted to him by the committee within the period specified in the preceding sub-section.

(3) If the committee fails to make a unanimous recommendation or submit a panel of names as aforesaid, another committee consisting of three new members, one elected by the Senate, one elected by the Syndicate and the third nominated by the Government shall within three months of its constitution make a unanimous recommendation or submit a panel of three names to the Chancellor who shall thereupon appoint a Vice-Chancellor accordingly:

Provided that it shall be open to the Chancellor for reasons to be stated in writing, to appoint, by nomination, an appropriate person as Vice-Chancellor for such time as he may consider expedient.

(4) The Committee in making the panel of three names shall not include in it any person who has completed the age of sixty-five.

(5) The Vice-Chancellor shall hold office for a term of four years from the date on which he enters upon his office:

Provided that a person shall not be appointed as Vice-Chancellor for more than two terms.

(6) The Vice-Chancellor shall receive such remuneration as may be fixed in this behalf by the Chancellor.

(7) The Vice-Chancellor shall be the Principal academic and executive officer of the University.

(8) The Vice-Chancellor shall be the Chairman of the Senate, the Syndicate and the Academic Council and shall be entitled to be present at and to address any meeting of any authority of the University, but shall not be entitled to vote thereat unless he is a member of the authority concerned.

(9) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, and the Statutes, Ordinances and Regulations are observed and he shall have all the powers necessary for this purpose.

(10) The Vice-Chancellor shall have the right of visiting and inspecting colleges and other institutions maintained or recognised by, or constituent with the University.

(11) If at any time, except when the Syndicate is in session, the Vice-Chancellor is satisfied that an emergency has arisen requiring him to take immediate action involving the exercise of any power vested in the Syndicate the Vice-Chancellor may take such action as he deems fit, and shall, as soon as may be, report the action taken by him to the Syndicate.

(12) Subject to the provisions of sub-section (4) of section 11 and the Statutes and the Ordinances, the Vice-Chancellor shall have power to appoint, suspend, dismiss or otherwise punish any member of the establishment of the University Office below the rank of Assistant Registrar.

(13) The Vice-Chancellor shall have power to convene meetings of the Senate, the Syndicate, the Academic Council and any other authority of the University.

(14) It shall be the duty of the Vice-Chancellor to see that the proceedings of the University are carried on in accordance with the provisions of this Act, and the Statutes, the Ordinances, the Regulations and the rules made thereunder and to report to the Chancellor every proceedings which is not in conformity with such provisions.

(15) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes.

(16) Notwithstanding anything contained in sub-sections (1), (2) and (3) of section 10, the first Vice-Chancellor after the commencement of this Act shall be appointed by nomination by the Chancellor for such period as he may consider necessary.

11. *The Registrar.*—(1) The Registrar shall be a whole-time salaried Officer of the University and shall be appointed by the Syndicate for such period and on such terms as may be prescribed by the Statutes:

Provided that the first Registrar, after this Act comes into force, shall be appointed by the Chancellor for such period as he may think fit.

(2) The Registrar shall exercise such powers and perform such duties as may be prescribed by the Statutes.

(3) Suits by or against the University shall be instituted by or against the Registrar.

(4) Subject to the provisions of this Act and Statutes and the Ordinances made thereunder, the Registrar shall have power to appoint, suspend, dismiss or otherwise punish any member of the establishment of the University Office whose maximum pay does not exceed two hundred and fifty rupees per mensem.

12. *Appointments to be notified.*—The appointments of the Vice-Chancellor and Registrar shall be notified in the Gazette.

CHAPTER IV

AUTHORITIES OF THE UNIVERSITY

13. *Authorities of the University.*—The following shall be the authorities of the University namely:—

(i) The Senate;

(ii) The Syndicate;

(iii) The Academic Council;

(iv) The Faculties;

(v) The Boards of Studies;

(vi) The Finance Committee; and

(vii) Such other boards or bodies of the University as may be declared by the Statutes to be authorities of the University.

14. *Senate.*—The Senate shall consist of the following members, namely:—

CLASS I—EX-OFFICIO MEMBERS

(1) The Chancellor;

(2) The Pro-Chancellor;

(3) The Vice-Chancellor;

(4) Two Officers nominated by Government;

(5) The Chairman, State Advisory Board of Education;

(6) One nominee each of the Vice-Chancellors of the other Universities of the State;

(7) Members of the Syndicate who are not members of the Senate.

CLASS II—ELECTED MEMBERS

(1) Five members elected from among the Principals of all constituent Colleges, Heads of University Departments and Heads of Departments of Studies in the University;

(2) Four members elected by the registered graduates from among themselves;

(3) Four members elected from the members of the Academic Council from among themselves;

(4) Members of the Legislative Assembly of Kerala representing the electorate of the University area;

(5) Five members elected from among themselves by the teaching staff of the University Departments, the constituent colleges, and recognised institutions;

(6) One member elected by the members of the Panchayats of the University area from among themselves;

(7) One member elected by the members of the Corporation and Municipalities of the University area from among themselves;

(8) One member elected by the registered trade unions in the University area designated by Statutes from among their members;

(9) One member elected by the employees other than teachers of the University from among themselves;

(10) One member elected by the non-teaching staff of the constituent colleges from among themselves;

(11) One member elected by the Managers of constituent Private Colleges in the University area from among themselves;

(12) Three members elected by the students of the University and of the constituent Colleges from among themselves in such manner as may be prescribed.

CLASS III—LIFE MEMBEBS

Such persons not exceeding two in number as may be appointed by the Chancellor to be life members on the ground that they have rendered eminent service to education.

CLASS IV—OTHER MEMBERS

(1) Two Headmasters and two teachers of High Schools situated within the University area, nominated by the Chancellor.

(2) Not more than seven members nominated by the Chancellor representing (a) recognised research institutions, (b) recognised cultural associations, (c) chambers of commerce, (d) industries, (e) authors (f) journalists and (g) lawyers.

15. *Reconstitution of the Senate.*—(1) The Senate shall be reconstituted every four years.

(2) Every member of the Senate, other than ex-officio and life members, shall, subject to the provisions of this Act and the Statutes, hold office until the next reconstitution of the Senate:

Provided that no member nominated or elected in his capacity as a member of a particular body or as the holder of a particular office shall hold office for a longer period than three months after he has ceased to be such member or holder of such office, unless in the meanwhile he again becomes a member of that body or holder of that office:

Provided further that where an elected or nominated member of the Senate is appointed to any office by virtue of which he is entitled to be a member of the Senate ex-officio, he shall, by notice in writing signed by him and communicated to the Vice-Chancellor within seven days from the date of his taking charge of his appointment, choose whether he will continue to be a member of the Senate by virtue of his election or nomination or be an ex-officio member by virtue of his appointment and such choice shall be final.

(3) On the failure of a member to make the choice under the preceding proviso, he shall be deemed to have vacated his office as an elected or nominated member.

(4) When a person ceases to be a member of the Senate, he shall cease to be a member of any of the authorities of the University of which he may happen to be a member by virtue of his membership of the Senate.

16. *Powers and Functions of the Senate.*—(1) The Senate shall have the power to review the actions of the Syndicate and the Academic Council not being actions in respect of which an appeal may lie to the Tribunal save where the Academic Council or the Syndicate has acted in accordance with the powers conferred upon it under this Act or the Statutes, Ordinances or Regulations made thereunder, and shall exercise all the powers of the University not otherwise provided for by this Act or the Statutes:

Provided that if any question arises as to whether the Syndicate or the Academic Council has acted in accordance with such powers as aforesaid or not, the question shall be decided by the Chancellor and his decision shall be final.

(2) Save as otherwise expressly provided in this Act, the Senate shall have the following powers, namely:—

(a) To determine what degrees, diplomas and other academic distinctions shall be granted by the University;

(b) to make, amend or repeal Statutes either of its own motion or on the motion of the Syndicate;

(c) to cancel or amend any ordinance passed by the Syndicate or any Regulation passed by the Academic Council;

(d) to institute fellowships, scholarships, studentships, bursaries, medals and prizes and organise exhibitions in accordance with the provisions of this Act and the Statutes, Ordinances and Regulations;

(e) to institute Professorships, Readerships, Lecturerships and such other teaching or research posts as it may deem necessary;

(f) to establish and maintain such institutions as it may from time to time deem necessary;

(g) to prescribe the terms and conditions of service of the employees of the University;

(h) to regulate as far as may be, the emoluments and prescribe the duties and conditions of service of teachers and other employees in private colleges;

(i) to review and take such action as it may deem fit on the annual report and the annual accounts of the University which shall be placed before it by the Syndicate and to consider and pass the budget according to the provisions of the Statutes;

(j) to cancel any degree, diploma, title or any other distinctions granted to any person in accordance with the provisions of the Statutes;

(k) to appoint committees and to delegate to them such functions of the Senate as it may deem fit;

(l) to make Statutes regulating the method of election to the authorities of the University the procedure at the meetings of the Senate, the Syndicate and other authorities of the University, and quorum of members required for the transaction of business by the authorities of the University other than the Senate;

(m) to recommend to the Government the recognition of any local area within the University area as a University Centre;

(n) to co-operate with other Universities and other authorities in such manner and for such purposes as it may determine;

(o) to exercise such other powers and perform such other functions as may be assigned to it by this Act and the Statutes.

17. *Meetings of the Senate.*—(1) The Senate shall meet at least once in six months on dates to be fixed by the Vice-Chancellor and one of such meetings shall be called the annual meeting.

(2) One-fifth of the total number of members of the Senate shall be the quorum for a meeting of the Senate:

Provided that such quorum shall not be required for a Convocation of the University or a meeting of the Senate held for the purpose of conferring degrees, titles, diplomas, or other distinctions.

(3) The Vice-Chancellor, may whenever he thinks fit and shall, upon a requisition in writing signed by not less than one-fourth of the total number of members of the Senate, convene a special meeting of the Senate.

(4) When a special meeting is convened on requisition no subject other than that shown in the requisition shall be considered at the meeting.

18. *The Syndicate.*—(1) The Syndicate shall be the Chief Executive Body of the University and shall consist of the following members, namely:—

CLASS I—EX-OFFICIO MEMBERS

(1) The Vice-Chancellor;

(2) The Director of Collegiate Education;

(3) The Director of Public Instruction;

(4) Two nominees of the Government of Kerala.

CLASS II—OTHER MEMBERS

Six members elected by the members of the Senate from among themselves of whom atleast two shall be persons who are not teachers.

19. *Term of Office of members of the Syndicate.*—Members of the Syndicate other than ex-officio members shall hold office for a term of four years from the date of their election:

Provided that no person elected in his capacity as a member of a particular body or as the holder of a particular office shall be a member of the Syndicate for a longer period than three months after he has ceased to be such member or holder of such office unless in the meanwhile he again becomes a member of that body or the holder of that office:

Provided further that no person other than an ex-officio member shall be eligible to hold office for more than two terms in succession.

20. *Powers of the Syndicate.*—Subject to the provisions of this Act and the Statutes, the executive powers of the University including the general superintendence and control over the institutions of the University shall be vested in the syndicate and subject like-wise the syndicate shall have the following powers, namely:—

(1) to admit an institution to the University as a Constituent college or a recognised institution in accordance with the terms and conditions prescribed in this Act and the Statutes;

(2) to make Ordinances and to amend or repeal the same;

(3) to propose Statutes for the consideration of the Senate;

(4) to hold, control and administer the properties and funds of the University;

(5) to direct the form, custody, and use, of the common seal of the University;

(6) to arrange for and direct the inspection of colleges, hostels and other institutions and to constitute a Board of Inspection for that purpose;

(7) to establish, maintain and manage colleges and institutes of research and other institutions of higher learning as it may from time to time deem necessary;

(8) to appoint teachers and other employees of the University of and above the rank of an Assistant Registrar and prescribe their duties;

(9) to create administrative, ministerial and other necessary posts;

(10) to suspend, discharge, dismiss or otherwise take disciplinary action against—

(a) any teacher of the University;

(b) any other employee of the University office of and above the rank of an assistant Registrar;

(11) to fix and regulate the fee payable by the students;

(12) to award fellowships, scholarships, studentships, bursaries, medals and prizes;

(13) to exercise supervision and control over the residence and discipline of students;

(14) to consider the financial estimates of the University and submit them to the Senate in accordance with the provisions of the Statutes made in this behalf;

(15) to conduct University examinations and approve and publish the results thereof;

(16) to appoint members to the Boards of Studies;

(17) to approve panels of examiners and to fix their remuneration;

(18) to delegate any of its powers to the Vice-Chancellor or to a committee appointed from among its members;

(19) to arrange for and direct, as far as may be, the investigation into the affairs of Constituent Colleges and recognised institutions, to issue instructions for maintaining their efficiency, ensuring

proper conditions of employment for the members of their staff and payment of adequate salaries to them, and in case of disregard of such instructions to modify the conditions subject to which they have been declared as constituent with the University or as recognised institutions;

(20) to withhold or cancel the result of any candidate at any University examination;

(21) to accept endowments, bequests, donations and transfers of movable and immovable properties to the University on its behalf, provided that all such endowments, bequests, donations and transfers shall be reported to the Senate at its next meeting;

(22) to exercise such other powers and perform such other duties as may be prescribed by this Act, and the Statutes and the Ordinances, made thereunder;

(23) to decide what examinations of other Universities may be accepted as equivalent to those of the University and to negotiate with other Universities for the recognition of the examinations of the University.

21. *The Academic Council.*—(1) The Academic Council shall, subject to the provisions of this Act and the Statutes, have the general power of control and regulation, and be responsible for the maintenance of standards of instruction education and examinations within the University, and shall exercise such other powers and perform such other duties as may be conferred or imposed on it by the Statutes.

(2) The Academic Council shall consist of the following members, namely:—

(a) The Vice-Chancellor;

(b) A nominee each of the Vice-Chancellors of other Universities in the State;

(c) The Director of Public Instruction;

(d) The Director of Technical Education;

(e) The Director of Collegiate Education;

(f) The Deans of Faculties;

(g) Heads of University Departments of study and Research;

(h) Not more than five Principals to be nominated by the Vice-Chancellor by rotation according to seniority;

(i) Three members, not being teachers, elected by members of the Senate from among themselves;

(j) One Headmaster and one teacher of the Secondary School to be nominated by the Vice-Chancellor.

(3) Members of the Academic Council, other than the members specified in clauses (a) to (f) of sub-section (2), shall hold office for a term of four years from the date of their appointment or nomination, as the case may be.

22. *Powers and duties of the Academic Council.*—Subject to the provisions of this Act and of the Statutes, the Academic Council shall have the following powers, duties and functions, namely:—

(1) to advice the Senate and the Syndicate on all academic matters;

(2) to make Regulations and to amend or repeal the same;

(3) to prescribe the courses of studies and qualification for teachers in the institutions maintained by the University and the constituent colleges;

(4) to prescribe the qualifications for admission of students to the various courses of studies and to the examinations and the conditions under which exemption may be granted;

(5) to make proposals for the instruction and training in such branches of learning as it may think fit;

(6) to make proposals for research and advancement and dissemination of knowledge;

(7) to make proposals for the institutions of Professorships Readerships, Lecturerships and other teaching and research posts required by the University;

(8) to make proposals for the institution of fellowships, travelling fellowships, scholarships, studentships, medals and prizes;

(9) to make proposals for determining what degrees, diplomas and other academic distinctions shall be granted by the University;

(10) to arrange for the co-ordination of studies and teaching in colleges and recognised institutions;

(11) to constitute a Council of Students' Affairs consisting of such number of teachers and students as may be prescribed by the Statutes to advice the Academic Council on matters relating to the welfare of the students;

(12) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or by the Statutes, Ordinances, Regulations and rules made thereunder.

23. *Faculties.*—(1) (a) The University may have such Faculties as may be prescribed by the Statutes from time to time;

(b) Each Faculty shall, subject to the control of the Academic Council, have charge of the teaching and the courses of study and research in such subjects as may be assigned to such Faculty by the Ordinances or Regulations.

(2) Each Faculty shall consist of not more than such number of members as may be prescribed by the Statutes.

(3) Each Faculty shall comprise such Departments of teaching as may be prescribed by the Ordinances.

(4) Subject to the provisions of this Act, each Faculty shall exercise such powers and perform such duties as may be prescribed by the Statutes.

24. *Deans of Faculties.*—(1) There shall be a Dean of each Faculty, who shall be elected by the Faculty in such manner and subject to such conditions as may be prescribed by the Statutes.

(2) The Dean of each Faculty shall be responsible for the due observance of the Statutes, Ordinances and Regulations relating to that Faculty.

(3) The Dean of a Faculty shall hold office for a term of four years.

25. *Boards of Studies.*—(1) There shall be a Board of Studies attached to each Department of Study in the University.

(2) The constitution and powers of the Boards of Studies shall be prescribed by the Statutes.

26. *Finance Committee.*—(1) There shall be a Finance Committee with the Vice-Chancellor as the Chairman to advice the University on any question affecting its finances.

(2) Subject to the provisions of this Act, the Constitution powers and functions of the Finance Committee and its procedure in Financial matters, including the delegation of its powers, shall be prescribed by the Statutes.

27. *Boards of Appointments.*—(1) There shall be a Board of Appointments for the purpose of making selections for appointment as Professors, Readers and Lecturers in the University Service, and for the purpose of making selections for recognising teachers of Constituent Colleges as Professors, Readers and Lecturers.

(2) When selection for appointments of Professors and Readers for any subject in the University Service is made, the Board shall consist of—

(a) The Vice-Chancellor who shall, ex-officio, be the Chairman; and

(b) Two persons, not connected with the University, who have expert knowledge in the subject preferably in the branch of specialisation, nominated by the Syndicate from out of a panel of experts suggested by the Board of Studies concerned.

(3) When selection for appointments of Lecturers for any subject in the University Service is made, the Board shall consist of—

(a) The Vice-Chancellor who shall, ex-officio, be the Chairman;

(b) The Head of the Department concerned;

(c) A person not connected with the University, who has expert knowledge in the subject preferably in the branch of specialisation, nominated by the Syndicate from out of a panel of experts suggested by the Board of Studies concerned.

(4) When selection for recognition of a teacher of a constituent college as a Professor, Reader or Lecturer is made, the Board shall consist of—

(a) The Chairman of a Governing Body of the College or a person nominated by such Governing Body, who shall be the Chairman of the Board;

(b) The Principal of the College;

(c) The Head of the Department concerned of the college, if he is a Professor in the subject, or one person who has expert knowledge in the subject nominated by the Governing Body of the College;

(d) The Head of the Department concerned of the University;

(e) One person who has expert knowledge in the subject preferably in the branch of specialisation, nominated by the Syndicate:

Provided that in the case of a constitutent College which is a Government College the Chairman shall be the Director of Collegiate Education or the Director of Technical Education, as the case may be, in charge of the college.

(5) The Board of appointments shall consider and submit to the Syndicate recommendations as to the selections referred to it.

(6) If the Syndicate considers that recommendations of the Board are not acceptable, it shall record its reasons and submit the case to the Chancellor for orders, and the orders of the Chancellor thereon shall be final.

CHAPTER V

STATUTES, ORDINANCES, REGULATIONS AND RULES

28. *The Statutes.*—Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(1) the constitution, functions and powers of the authorities of the University and such other bodies as may be declared to be authorities of the University from time to time;

(2) the election and continuance in office of the members of the said authorities or bodies, including the continuance in office of the first Members and the filling up of vacancies of members and all other matters relating to the said authorities or bodies for which it may be necessary or desirable to provide;

(3) the appointment, conditions of service, powers and duties of the Officers, teachers and other employees of the University;

(4) the conferment of Honorary Degrees;

(5) the holding of Convocations for conferring Degrees and Diplomas;

(6) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(7) the establishment, maintenance and abolition of Faculties, Departments, Hostels, Colleges and Institutions;

(8) the conditions under which Colleges may be admitted to the University as Constituent Colleges and the conditions under which such admissions may be withdrawn;

(9) the institution of Fellowships, Scholarships, Studentships, Exhibitions, Medals and Prizes;

(10) the procedure of election to the authorities and the procedure to be followed at meetings of such authorities or bodies including the quorum for the transaction of the business by them;

(11) the classification of teachers in the University and in the Constituent Colleges;

(12) the institution of Pension, Provident Fund or Gratuity Fund for the benefit of the employees of the University and the payment of compassionate gratuity or allowance to such of the employees of the University as are not eligible for the benefit of any pension and payment of compassionate gratuity to the dependents of deceased employees;

(13) acceptance and management of bequests, donations and endowments;

(14) the registration of Graduates and maintenance of the Register of Registered Graduates of different classes; and

(15) all other matters which by this Act are to be or may be provided for by the Statutes.

29. *Procedure for making Statutes.*—(1) The first Statutes of the University shall be made by the Government, by notification in the Official Gazette, and shall continue in force until amended or superseded by Statutes made by the Senate in accordance with the provisions of this section.

(2) The Senate may, from time to time, make new or additional Statutes or may amend or repeal Statutes in the manner hereinafter provided.

(3) The Senate may take into consideration the draft of a Statute either of its own motion or on a proposal of the Syndicate.

(4) The draft proposed by the Syndicate shall be considered by the Senate at its next meeting. The Senate may approve such draft and pass it or reject it or return it to the Syndicate for reconsideration either in whole or in part together with any amendment which the Senate may suggest.

(5) After the draft returned under Sub-section (4) has been further considered by the Syndicate together with any amendment suggested by the Senate, it shall be again presented to the Senate with the report of the Syndicate thereon and the Senate may then deal with the draft in such manner as it thinks fit.

(6) No Statute affecting the powers or duties of any authority or Officer of the University shall be considered by the Senate unless the draft of such Statute is referred by the Vice-Chancellor to such Authority or Officer concerned for expressing its or his views thereon within such period as may be specified in the reference or within such further period as the Vice-Chancellor may allow and the views, if any, so expressed duly considered.

(7) Every Statute passed by the Senate shall be submitted to the Chancellor who may give or withhold his assent thereto or refer it back to the Senate for reconsideration with such observations as he may make.

(8) No Statute passed by the Senate shall have validity until assented to by the Chancellor and it shall come into force on the date of its publication in the Official Gazette or such other date as the Chancellor may fix.

30. *Ordinances.*—Subject to the provisions of this Act and the Statutes, the Ordinances of the University may provide for all or any of the following matters, namely:—

(1) admission of students to the University and their enrolment as such;

(2) Courses of Study for all Degrees, Diplomas and certificates of the University;

(3) Degrees, Diplomas, Certificates and other academic distinctions to be awarded by the University, the qualifications for the same and the means to be taken relating to the granting and obtaining the same;

(4) fees to be charged for the courses of study in the University and for admission to the examinations, degrees and diplomas of the University;

(5) conditions relating to the award of fellowships, scholarships, studentships, exhibitions, medals and prizes;

(6) conduct of examinations, including the terms of office, manner of appointment and the duties of examining bodies, examiners and moderators;

(7) conditions of residence of students of the University;

(8) special arrangements, if any, which may be made for the residence, discipline and teaching of women students and prescribing for them of special Courses of Study where necessary;

(9) emoluments, terms and conditions of service of employees of the University in so far as they are not provided for by the Statutes;

(10) management of Colleges and other institutions founded or maintained by the University;

(11) recognition, supervision and inspection of Constituent Colleges and recognised institutions;

(12) fees to be charged for the services rendered by the University;

(13) conditions for recognition of hostels not maintained by the University;

(14) health and discipline of students in the University, the Constituent Colleges and recognised institutions;

(15) rules to be observed and enforced by the Colleges and recognised institutions in respect of transfer of students: and

(16) all other matters which by this Act or by the Statutes are to be or may be provided for by the Ordinances of the University.

31. *Procedure for making Ordinances of the University.*—(1) The Syndicate shall have power to make Ordinances in the manner hereinafter provided.

(2) In making Ordinances, the Syndicate shall consult—

(a) the Board or Boards of Studies concerned when such Ordinances affect the appointment and duties of Examiners; and

(b) the Academic Council when such Ordinances are proposed by the academic council or affect council or affect the Courses of Study, conduct or standard or examination or the conditions of residence of the students.

(3) Every Ordinance made by the Syndicate shall be submitted to the Chancellor and shall be placed before the Senate at its next meeting. The Senate shall have power to cancel or to refer back any such Ordinance by a resolution passed by a majority of the total membership of the Senate and by a majority of not less than two-thirds of the members of the Senate present and voting. An Ordinance cancelled by the Senate shall from the date of passing of the resolution cease to have effect.

(4) The Syndicate shall not have power to amend any draft of an Ordinance proposed by the Academic Council but it may reject the proposal or return the draft to the Academic Council for reconsideration, either in whole or in part, together with such amendments as the Syndicate may suggest.

(5) When the Syndicate has rejected the draft of an Ordinance proposed by the Academic Council, the academic Council may appeal to the Chancellor who may direct that the Ordinance shall be laid before the next meeting of the Senate for its approval and he may further direct that pending such approval the Ordinance shall have effect from such date as may be specified in his order:

(6) If the Ordinance is not approved by the Senate at such meeting, it shall cease to have effect:

Provided that any action taken during the period when the Ordinance had effect under the preceding sub-section shall not become invalid thereby.

(7) The Chancellor may, by order, direct that the operation of an Ordinance under sub-section (5) shall be suspended until he has had an opportunity of considering the Ordinance further. An order of suspension under this sub-section shall cease to have effect on the expiration of one month from such order or on the rejection of the Ordinance by the Senate, whichever is earlier.

(8) The Chancellor, may, at any time after an ordinance has been considered by the Senate, signify to the Syndicate his disallowance of such Ordinance or any part of it and from the date of receipt by the Syndicate of intimation of such disallowance, such Ordinance or such part of it, as the case may be, shall cease to have effect.

(9) Save as provided in sub-sections (5), (6), (7) and (8), all Ordinances shall have effect from the date of their publication in the Official Gazette or such other date as the Syndicate may direct.

32. *Regulations.*—(1) The Academic Council may, subject to the approval of the Syndicate, make regulations consistent with this Act and the Statutes and the Ordinances of the University.

(2) The regulations may provide for exercising all or any of the powers enumerated in section 22 and in particular for the following matters, namely:—

(a) admission of students to the University;

(b) recognition of examinations and degrees of other Universities as equivalent to the examinations and degrees of the University;

(c) deciding the University Courses and Examinations and conditions on which students of the University or the constituent colleges or of other University Institutions shall be admitted to examinations, degrees, diplomas and certificates of the University;

(d) the granting of exemptions.

(3) Every regulation shall come into force on the date of its publication in the official Gazette or such other date as the Syndicate may direct.

33. *Rules.*—(1) Any of the authorities enumerated as (iv) to (vii) of section 13 of this Act and any other Board of the University may, subject to the approval of the Syndicate, make rules consistent with this Act and the Statutes, the Ordinances and the regulations made thereunder.

(2) The Rules may provide for—

(a) the giving of notices to the members of each authority or Board of the dates of meetings and of the business to be transacted at the meetings and also for keeping a record of the proceedings of meetings;

(b) the procedure to be followed at the meetings and number of members required to form the quorum for the meetings;

(c) all matters solely concerning such authority or Board and not provided for by this Act, or the Statutes, the Ordinances or the Regulations made under this Act.

(3) The Syndicate may refuse to approve the rules submitted to it or may return them to the Authority or Board concerned for further consideration or may approve the rules without modifications or subject to such modifications as the Syndicate may deem fit.

(4) Every rule made under this section shall come into force on the date of its publication in the official Gazette or such other date as the Syndicate may direct.

CHAPTER VI

FINANCE AND ACCOUNTS

34. *The University Fund.*—(1) The amounts received from the following sources shall form part of the University Fund:—

(a) any contribution or grant made by the State Government;

(b) any contribution or grant made by the University Grants Commission or by the Central Government;

(c) any bequests, donations, endowments or other grants made by private individuals or institutions;

(d) the income received by the University from fees and charges;

(e) the amounts borrowed by the University;

(f) the amounts received from any other source.

(2) The University Fund shall be kept in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or invested in securities authorised by the Indian Trusts Act, 1882, as may be decided by the Syndicate.

(3) The Fund may be employed for any of the purposes of the University in the manner prescribed.

(4) The University Fund shall be operated by the Registrar or by an Officer of the University not below the rank of an Assistant Registrar authorised in this behalf by the Vice Chancellor.

35. *Power to Borrow.*—The University may, with the previous sanction of the Government as regards the purpose and amount of loan, and subject to such conditions as may be specified by the Government as to security and rate of interest, borrow any sum of money from the Central Government, any other Government, the University Grants Commission or any other incorporated body.

36. *Annual accounts.*—(1) The Annual accounts of the University shall be prepared under the directions of the Syndicate and shall be submitted to the Government for audit.

(2) The annual accounts together with the audit report thereon shall be published by the Syndicate in the Gazette, and copies of such accounts and audit report shall be placed before the Senate and submitted to the Government.

(3) The annual accounts shall be considered by the Senate at its annual meeting, and the Senate may pass resolutions with reference thereto and communicate the same to the Syndicate which shall take action in accordance therewith.

37. *Annual Financial Estimates.*—(1) The Syndicate shall prepare before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year and place the same before the Senate.

(2) The Syndicate may, in urgent cases where expenditure in excess of the amounts provided for in the Budget is found to be necessary, for reasons to be recorded in writing, incur such expenditure but a report of the circumstances in which such excess expenditure was incurred shall be made to the Senate at its next meeting.

38. *Audit of accounts of the University.*—(1) The Government shall appoint auditors of the accounts of the University and the institutions under the management of the University.

(2) The auditors shall maintain a continuous audit of the accounts of the University and may, after giving due intimation, conduct local audit of any institution under the management and control of the University.

(3) The University shall bear the cost of the audit as fixed by the Government.

(4) After completing the audit for a year or for any shorter period or for any transaction or series of transactions, the auditors shall send a report to the University and a duplicate copy thereof to the Government.

(5) The auditors shall specify in the report under sub-section (4) all cases of irregular, illegal or improper expenditure or of failure to recover moneys or other property due to the University or of any loss or waste of money or other property thereof caused by neglect or misconduct of the officers and authorities of the University.

(6) The Auditors shall also report on any other matter relating to the accounts of the University as may be required by the Government.

(7) The University shall forthwith remedy any defect or irregularity pointed out by the auditors and report the action taken to the Government.

39. *Annual Report.*—(1) The Syndicate shall prepare the annual Report of the University containing such particulars as the Government may specify, covering each financial year and submit it to the Senate for consideration on or before such date as may be prescribed by the Statutes. The Senate shall consider the report and pass such resolutions as it may consider necessary in regard to

the report. Thereupon the Syndicate shall take all necessary actions in regard to the resolutions. The action taken shall also be intimated to the Senate.

(2) Copies of the Annual Report along with the resolution of the Senate and the action taken by the Syndicate thereon shall be sent to the Government, and shall be laid before the State Legislature.

CHAPTER VII

VACANCIES IN THE AUTHORITIES AND ELECTIONS

40. *Vacating of Office.*—(1) Any member other than an ex-officio member of any authority or body of the University may resign his office by a letter addressed to the Registrar and the resignation shall take effect on receipt of the letter by the Registrar.

(2) A person who is a member of any authority or body of the University in his capacity as a member of a particular authority or body or as the holder of a particular appointment shall hold office so long only as he continues to be a member of that particular authority or body or the holder of that particular appointment, as the case may be.

(3) A member of any authority or body of the University shall cease, to be a member on his being convicted by a court of law for any offence which involves moral turpitude.

41. *Filling up of casual vacancies.*—When any vacancy occurs in the office of a member (other than an ex-officio member) of any authority or other body of the University before the expiry of the normal term of office of such member, the vacancy shall be filled up as soon as conveniently may be, by election, nomination or appointment, as the case may be, of a member who is otherwise eligible for that office, and such member shall hold office so long only as the member in whose place he has been elected, nominated or appointed, would have held it if the vacancy had not occurred:

Provided that if a vacancy be that of an elected member of the Senate or of the Academic Council and occurs within six months preceding the date on which the term of office of such member expires, the vacancy may not be filled up.

42. *Disputes regarding membership.*—(1) If any question arises whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Chancellor.

(2) The decision of the Chancellor on that question shall be final and shall not be called in question in any court of law.

CHAPTER VIII

OFFICERS AND SERVANTS OF THE UNIVERSITY

43. *Conditions of Service.*—Save as otherwise provided in any contract entered into under section 44, the terms and conditions of service of officers, teachers, clerical staff and other servants of the University shall be regulated by Statutes and Ordinances made in this behalf.

44. *Contracts.*—Save as otherwise provided by or under this Act, every salaried officer or teacher of the University shall be appointed under a written contract. The contracts shall be lodged with the Registrar of the University and a copy thereof shall be furnished to the Officer or teacher concerned, provided that the contract relating to the Registrar shall be lodged with the Vice-Chancellor.

45. *Pension, Insurance and Provident Fund.*—The University shall constitute for the benefit of its officers, teachers, clerical staff and other servants such Pension, Insurance and Provident Fund Schemes as it may deem fit and in such manner and subject to such conditions as may be prescribed by the Statutes.

CHAPTER IX

CONSTITUENT COLLEGES

46. *Admission as Constituent Colleges.*—(1) Colleges within the University area may, on satisfying the conditions specified in this section, be admitted to the University as Constituent Colleges.

(2) Every such college shall have a duly constituted Governing Body approved by the Syndicate and consisting of not more than twenty persons including among others, at least two representatives of the University and at least three representatives of the teaching staff of whom the Principal of that College shall be one:

Provided that a college maintained by the Government shall have an Advisory Committee consisting of such number of members not exceeding twenty as the Government may determine of whom at least three shall be teachers to the college including the Principal, and two shall be representatives of the University.

(3) Every such college shall also satisfy the Syndicate:—

(a) that the accommodation for the college and the equipment for teaching are suitable and adequate;

(b) that the strength and qualification of the teaching staff and the conditions governing their tenure of office are sufficient and suitable for the courses of instruction, teaching or training to be undertaken by the college;

(c) that adequate arrangements will be made for the welfare, discipline and supervision of its students;

(d) that the financial resources of the college are such as to enable due provision being made for its continued maintenance and efficient working; and

(e) that provision has been made for such other matters as are in the opinion of the Syndicate necessary for the maintenance of the standards of University education.

(4) Appointments to the teaching staff for post-graduate departments of the constituent college shall be made only on the recommendation of the Board of Appointments constituted under sub-section (4) of section 27.

(5) Admission to the Post-Graduate courses in all constituent colleges and University Departments will be based on a common pool and co-ordination of the instructional facilities in all such institutions will be effected at University level.

(6) No college shall be admitted to the University as a constituent college except on the recommendation of the Academic council made after considering the report of a committee of inspection appointed for the purpose by the Academic Council.

(7) A college desirous of admission to the University as a constituent college may make an application to the Registrar within such period as may be specified by the Ordinances.

(8) Subject to the conditions specified in this section and section 55, the Ordinances of the University may prescribe such other conditions and procedure which may be necessary for the admission of colleges to the University as constituent colleges and for the withdrawal of such admission.

(9) Every Constituent college shall be inspected at least once in every year by a Committee appointed by the Academic Council and the report of the said Committee shall be submitted to the Academic Council which shall send the report with its recommendations to the Syndicate. The Syndicate shall consider such report and the recommendations, if any, of the Academic Council, and forward a copy of the report to the Governing Body of the College along with such remarks as it deems fit, for necessary action.

(10) The Chancellor may, on the recommendation of the Syndicate, and after consulting the Academic Council, withdraw

by order in writing the admission to the University granted in favour of any college, if he considers that the college is not fulfilling the requisite conditions:

Provided that before passing an order for the withdrawal of admission the Governing Body shall be given an opportunity to represent to the Chancellor why such order should not be made.

CHAPTER X

ENROLMENT FOR DEGREES

47. *Eligibility for admission of Students.*—No student shall be eligible for admission to a course of study for a degree or diploma unless he possesses such qualifications as may be prescribed.

48. *Residence of Students.*—Every student of the University shall reside in a hostel maintained or recognised by the University or under such conditions as may be prescribed by the Ordinances.

49. *Honorary Degrees.*—If not less than two-third of the members of the Syndicate recommend that an Honorary Degree or academic distinction be conferred on any person on the ground that he is in their opinion, by reason of his eminent attainments and position, a fit and proper person to receive such degree or academic distinction, the Senate may, by a resolution decide that the same be conferred on the person recommended.

50. *Withdrawal of Degree or Diploma.*—(1) The Senate may, on the recommendation of the Syndicate, withdraw any distinction, degree, diploma or privilege conferred on or granted to any person, by a resolution passed by a majority of the total membership of the Senate and by a majority of not less than two-thirds of the members of the Senate present and voting at the meeting, if such person is found to have been convicted by a Court of law for an offence which in the opinion of the Senate, involves moral turpitude, or if he has been otherwise guilty of gross misconduct.

(2) No action under this section shall be taken against any person unless he has been given an opportunity to show cause against the action proposed to be taken.

(3) A copy of the resolution passed by the Senate shall be immediately sent to the person concerned.

(4) Any person aggrieved by the decision taken by the Senate may appeal to the Chancellor within thirty days from the date of receipt of such resolution.

(5) The decision of the Chancellor on such appeal shall be final.

CHAPTER XI

MISCELLANEOUS

51. *Protection of acts and proceedings of the Senate, the Syndicate, Academic Council etc.*—(1) No act or proceedings of the Senate, the Syndicate, the Academic Council or any other body constituted under this Act or the statutes, ordinances regulations or rules made thereunder shall be invalid merely by reason of any vacancy existing in the body performing the act or passing the proceedings.

(2) All statutes ordinances regulations and rules made in accordance with the provisions of this Act shall take effect from the date of publication in the official gazette.

(3) The Senate shall forward to the Government copies of the proceedings of the meetings of the Senate within one month of such meetings.

52. *Dispute regarding interpretation of this Act and the Statutes, ordinances, regulations and rules made thereunder or regarding the constitution of any authority or body.*—If any dispute arises regarding the interpretation of any provision of the Act or any statutes, ordinances, regulations or rules or as to whether a person has been duly elected, appointed, or nominated or is entitled to be a member of any authority or body of the University, the matter may be referred to the Chancellor, and shall be so referred to him if not less than twenty five members of the Senate so require.

(2) The Chancellor shall after taking such advice as he deems necessary, decide the question and his decision thereon shall be final:

Provided however that the decision of the Chancellor shall not be binding on the University Appellate Tribunal.

53. *Protection of Acts and Orders.*—No act done or order issued in good faith by the University or any of its authorities, bodies or officers under this Act, or under the Statutes, Ordinances, Regulations or Rules shall except as otherwise stated herein be questioned in any court of law.

54. *Appointment of the first University Staff and nomination of the first university authorities.*—(1) Notwithstanding anything contained in this Act, the Chancellor shall have power to appoint such officers, teachers and servants of the University as may be necessary for ensuring the working of the University.

(2) Notwithstanding anything contained in this Act, the first set of all the authorities of the University shall be nominated by the Chancellor for a period of two years from the date of nomination or till the constitution of these authorities in accordance with the provisions of this Act, whichever is earlier.

55. *Admission of affiliated Colleges to the University.*—Every College in the University area, remaining affiliated to the University of Kerala on the date of commencement of this Act shall notwithstanding such commencement continue to be affiliated to the University of Kerala, provided that they may, on complying with the provisions of section 46 within a period of two years from the date of commencement of this Act and on the Chancellor being satisfied that the college can be admitted to the University as a constituent college be so admitted and thereupon it shall become a Constituent College of the University and cease to be affiliated to the University of Kerala.

(2) Where any college is admitted to the University as a constituent college under sub-section (1), all teachers of the Post-graduate departments of that college, if any, as may be approved by the University in consultation with the Board of appointment shall be continued as teachers of the Post-graduate departments in such college.

(3) Where any such teacher already approved by the Kerala University is not approved by the Board under sub-section (2) aforesaid, such teacher shall be assigned to the non-Post-graduate sections of that college. If a vacancy does not exist for such accommodation, the teacher shall be treated as supernumerary and shall be accommodated against the next vacancy.

(4) Any student of any college within the University area remaining affiliated to the University of Kerala immediately before the commencement of this Act shall be permitted to complete the course under The University of Kerala and appear for the examination conducted by that University and the University of Cochin shall provide for the instruction of such student in accordance with the courses of study in the University of Kerala and shall comply with such directions as may be given to it by the University of Kerala in respect of such student.

56. *Transfer of certain institutions and the services of persons connected with such institutions to the University of Cochin.*—(1) Notwithstanding anything contained in any other law for the time being in force, on the coming into force of this Act.

(a) the institutions maintained by the Kerala University at the University Centre at Ernakulam shall stand transferred from the Kerala University to the Cochin University;

(b) the rights, duties, liabilities and obligations of the Kerala University in respect of those institutions shall become the rights, duties, liabilities and obligations of the Cochin University.

(2) Every person on the staff of the Kerala University working in the institutions mentioned in sub-section (1) at the University Centre, at Ernakulam shall stand allotted to the Cochin University:

Provided that it shall be open to any such person, with the concurrence of the University of Kerala, to opt, within a period of one year, for service under the University of Kerala. When such option is not made within the period specified, he shall stand permanently allotted to the University of Cochin and be subject to all the conditions of service applicable to his class or category in the University of Cochin.

57. *Transitory Provisions.*—(1) It shall be the duty of the first Vice-Chancellor—

(a) to recommend to the Chancellor to admit any college to the University as a constituent college or extend any privilege already granted, as far as possible consistently with the provisions of section 46, and

(b) to make expeditious arrangements for constituting the Senate, the Syndicate, the Academic Council and other authorities of the University.

(2) The first Vice-Chancellor shall—

(a) subject to the provisions of the Act and the approval of the Chancellor, make rules that may be necessary for regulating the method of election to the aforesaid authorities;

(b) frame the first Regulations under this Act.

(3) The authorities constituted under sub-section (1) shall commence to exercise their functions on such date or dates as the Government may, by notification in the official Gazette, direct.

(4) Until the Syndicate commences to exercise its functions, the Vice-Chancellor shall have powers—

(a) with the previous approval of the Chancellor to make additional Statutes to provide for any matter not provided for by the first Statutes;

(b) to constitute provisional authorities and bodies and on their recommendations to make rules providing for the conduct of the work of the University;

(c) subject to the control of the Government to make such financial arrangements as may be necessary;

(d) with the sanction of the Chancellor to make such appointments as may be necessary;

(e) to appoint any committee as he may think fit, to discharge such of his functions as he may direct; and

(f) generally to exercise all or any of the powers conferred on the statutory bodies by or under the provisions of this Act.

58. *Transfer of Government Colleges to the University.*—(1) The Government may, at any time and after consulting the Vice-Chancellor, by notification in the official gazette, transfer any Government college to the University, and from the date of such transfer, the said college shall be a constituent college of the University.

(2) When any Government college is transferred to the University under sub-section (1), with effect from the day on which such transfer takes place, the following consequences shall ensue, namely:—

(a) all assets and liabilities appertaining to the said college shall stand transferred to and vest in the University;

(b) the service of every teacher or other employee of the Government employed wholely or mainly in connection with the said college shall be temporarily lent to the University for a period not exceeding one year under the same terms and conditions of service applicable to such teacher or other employees immediately before the date of such transfer.

(3) Subject to the provisions of the Statutes and Ordinances, such of the teachers and other employees referred to in the preceding sub-section as are willing, and allocated to the University by an Allocation Committee consisting of the Vice-Chancellor, as Chairman, the Director of Collegiate Education and the Secretary to the Government in the Education Department as Members shall be absorbed in the permanent service of the University.

(4) Any person aggrieved by any decision of the Allocation Committee under sub-section (3) may appeal to the Chancellor within thirty days from the date of receipt of the order of the committee, and the decision of the Chancellor on such appeal shall be final.

59. *Apportionment of funds and assets of the University of Kerala.*—A committee consisting of the Vice-Chancellor of the University of Kerala, the Vice-Chancellor of the University of Cochin and the Secretary to the Government of Kerala, Finance Department shall examine the question of transfer of funds

and assets, not specifically provided for in this Act from the University of Kerala to the University of Cochin and shall recommend to the Government the action to be taken in the matter. The decision of the Government on such recommendation shall be final.

60. *Continuance of Statutes, Ordinances, etc.*—(1) All Statutes, Ordinances, rules and regulations in force on the date of commencement of this Act in the Kerala University shall, in so far as they are not inconsistent with this Act, continue to be in force in the area of this University until they are replaced by the Statutes and Ordinances, Rules and Regulations made under this Act.

(2) All properties whether movable or immovable including lands, buildings, equipments books and libraries and all rights of whatever kind, owned by or vested in or held in trust immediately before the date of commencement of this Act by the University of Kerala at the University Centre at Ernakulam as well as all liabilities legally subsisting against the University of Kerala in respect of that centre, shall stand transferred to and vest in the University of Cochin.

61. *Constitution of a University Appellate Tribunal.*—(1) The Government shall constitute a University Appellate Tribunal for the purposes of this Act.

(2) The Appellate Tribunal shall consist of the following members, namely:—

(a) A judicial officer not below the rank of a District Judge nominated by the Chancellor in consultation with the High Court, who shall be the Chairman;

(b) a person who is neither a teacher nor a person connected with the management of a private college to be nominated by the Syndicate from among the members of the Syndicate; and

(c) a person who is or has been an officer of the Government not below the rank of a Joint Secretary to be nominated by the Government.

(3) The term of Office of the Chairman and the other members of the Appellate Tribunal shall be three years from the date of their nomination.

(4) If any vacancy occurs in the office of the Chairman or any other member of the Appellate Tribunal, such vacancy shall be filled by a person nominated in this behalf by the authority concerned.

(5) (a) The functions of the Appellate Tribunal may be exercised by a Bench consisting of two members constituted by the Chairman or in the event of the Office of a member other than the Chairman being vacant, by a Bench consisting of the Chairman and the other member.

(b) where any matter is heard by a Bench consisting of all the three members of the Appellate Tribunal and the members differ in opinion on any point, such point shall be decided in accordance with the opinion of the majority.

(c) where any matter is heard by a Bench consisting of two members and the members are divided in their opinion on any point, they shall state the point upon which they differ and the matter shall then be heard upon that point only by the third member and such point shall be decided according to the opinion of the third member.

(6) The Appellate Tribunal shall have the power to make regulations consistent with the provisions of this Act with the previous sanction of the Government for regulating its procedure and disposal of its business. The regulations so made shall be published in the Gazette.

(7) The remuneration and other conditions of service of the Chairman and other members of the Appellate Tribunal shall be such as may be prescribed by the Statutes.

62. *Appeal to Appellate Tribunal.*—(1) Any teacher of the University aggrieved by an order passed after the commencement of this Act in any disciplinary proceedings taken against him may, within sixty days from the date on which a copy of such order is served on him, appeal to the Appellate Tribunal, and the Appellate Tribunal may, after giving the parties an opportunity of being heard, and after such further enquiry as may be necessary, pass such order thereon as it may deem fit, inclusive of the reinstatement of the teacher concerned:

Provided that the Appellate Tribunal may admit an appeal presented after the expiration of the said period if it is satisfied that the appellant had sufficient cause for not presenting the appeal within the said period.

(2) Any order passed by the Appellate Tribunal, inclusive of the reinstatement of the teacher may be executed through the Subordinate Judge's Court having jurisdiction over the area in which the College is situate as if it were a decree passed by that court.

(3) Any person who objects to an order passed by the Appellate Tribunal under sub-section (1) may, within sixty days from the date on which a copy of such order is served on him, prefer a petition to the High Court on the ground that the Appellate Tribunal has either decided erroneously or failed to decide any question of law.

(4) The provisions of section 5 of the Limitation Act, 1963. (Central Act 36 of 1963), will be applicable for the proceedings under sub-section (3).

(5) A Court fee of Rupees ten shall be leviable on petitions filed under sub-section (3)

(6) The High Court shall, after giving the parties an opportunity of being heard, pass such order in the petition as it deems fit.

(7) Where the High Court remits the matter under sub-section (6), the Appellate Tribunal shall amend the order passed by it in conformity with the order of the High Court.

63. *Powers of the Government to cause inspection of the University.*—(1) The Government shall have the right to cause an inspection to be made by such person or persons as they may direct of the University, its buildings, laboratories, libraries, museums, workshops and equipments, and of any institutions maintained, recognised or approved by, affiliated to, the University, and also of the work conducted by the University, and to cause inquiry to be made in respect of any matter connected with the University.

(2) The Government shall, before taking any action under sub-section (1), give notice to the University of their intention to cause such inspection or inquiry to be made, and the University shall be entitled to be represented thereat.

(3) The Government shall communicate to the Syndicate the result of any inspection or inquiry made under sub-section (1) and may, after ascertaining the opinion of the Syndicate thereon, convey their views to the Senate and to the Syndicate.

(4) The Government may, after considering the views of the Senate and the Syndicate on the result of any inspection or inquiry under sub-section (1), advise the University upon the action to be taken in the matter.

(5) The Syndicate shall report to the Government the action, if any, which is proposed to be taken, or has been taken, upon the result of any inspection or inquiry under sub-section (1).

(6) A report under sub-section (5) shall be submitted with the opinion of the Senate thereon and within such time as the Government may direct.

(7) Where the Senate or the Syndicate does not, within a reasonable time, take any action referred to in sub-section (4) to the satisfaction of the Government, the Government may, after considering any explanation furnished or representation made by the Senate or the Syndicate in the matter, issue such directions as they may think fit, and the Senate and the Syndicate shall comply with such directions.

64. *Inconsistency with other laws.*—When the provisions of any other law relating to matters dealt with in this Act are inconsistent

with the provisions of this Act the provisions of such other law shall, to the extent of such inconsistency, have no effect.

65. *Repeal and Saving.*—(1) The Cochin University Ordinance, 1971 (9 of 1971) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act.

STATEMENT OF OBJECTS AND REASONS

The Committee appointed by Government in 1967 under the Chairmanship of Prof: Samuel Mathai to examine the desirability of starting new universities in the State and the Committee constituted by the University Grants Commission in 1968 to consider the proposal for the setting up of new Universities in Kerala recommended the establishment of a University of federal type at Cochin. On examining the recommendations of those two committees it was considered necessary to set up a new University of federal type at Cochin with particular emphasis on postgraduate studies and research. As the Legislative Assembly was not in session and as the preliminary work had to be started immediately the Cochin University Ordinance, 1971 (9 of 71) was promulgated on the 5th day of March, 1971.

The Bill seeks to replace the Ordinance by an Act of the Legislature.

FINANCIAL MEMORANDUM

According to the scheme prepared for the establishment of the Cochin University an amount of Rs. 450 lakhs would be required for its development during the remaining period of the Fourth Five Year Plan. For the year 1971-72 it is estimated that a provision of Rs. 90 lakhs Rs. 55 lakhs recurring and Rs. 35 lakhs non-recurring—will be necessary for the development of the existing departments and for starting new departments of study and research under the University.

The U.G.C. will be assisting the Cochin University for the starting of new departments of study and research and for other developmental activities. It is estimated that the assistance from the U.G.C. during the Fourth Plan period will be about Rs. 300 lakhs. For the year 1971-72 the assistance expected from the U.G.C. is Rs. 40 lakhs. The estimated receipts of the University from other sources during 1971-72 is Rs. 5 lakhs.

The balance amount required by the University has to be provided as grant-in-aid by Government. The average annual expenditure towards grant-in-aid to the Cochin University will be Rs. 15 lakhs approximately.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 29 of the Bill seeks to empower the Government to make the first Statutes of the University and the Senate to make subsequent or additional statutes. The Statutes relate mainly to the constitution, functions and powers of the various authorities and bodies of the University, election and continuance in office of the members of said authorities or bodies, the conditions of service, powers and duties of officers and teachers of the University and the conditions under which colleges may be admitted to the University as constituent colleges etc.

Clause 31 of the Bill seeks to empower the Syndicate to make Ordinances of the University. The Ordinances relate to the admission of students in the University, their enrolment as such, courses of study for all degrees, diplomas and certificates of the University, fees to be charged for various courses of study in the University and the management of colleges and other institutions founded or maintained by the University etc.

Clause 32 of the Bill seeks to empower the Academic Council to make regulations of the University. The regulations mainly relate to admission of students to the University, recognition of examinations and degrees of other Universities as equivalent to the examinations and degrees of the University, qualifications for admission of students to the various courses of studies etc.

Clause 33 of the Bill seeks to empower the authorities of the University other than Senate, Syndicate and the Academic Council to make rules for the functioning of the authorities concerned.

The matters in respect of which Statutes, Ordinances, Regulations or Rules to be made by the different authorities as provided in the above clauses of the Bill are of routine and administrative character. The delegation of legislative powers is thus of a normal character.

C. H. MOHAMMED KOYA.